

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: ORGANOGENESIS SECURITIES LITIGATION

C.A. No. 04-CV-10027 (JLT)

**AFFIDAVIT OF KIMBERLY I. FRIDAY  
IN SUPPORT OF REPLY MEMORANDUM IN SUPPORT OF DEFENDANTS'  
MOTION TO STRIKE LEAD PLAINTIFFS' SWORN CERTIFICATIONS AND  
PRECLUDE RELIANCE ON THEIR STOCK TRANSACTIONS**

I, Kimberly I. Friday, depose and state as follows:

1. I am an associate at Wilmer Cutler Pickering Hale and Dorr LLP and am one of the counsel for five of the seven remaining defendants in this case. Those defendants are Albert Erani, Philip Laughlin, Donna Abelli Lopolito, Michael Sabolinski and Alan Tuck.
2. I submit this affidavit in support of my clients' Reply Memorandum in Support of Defendants' Motion to Strike Lead Plaintiffs' Sworn Certifications and Preclude Reliance on Their Stock Transactions.
3. Attached hereto as Exhibit A is a true and correct copy of the cover page and pages 8-13 of the transcript from the March 9, 2005 motion hearing in *In re Sonus Networks Sec. Litig.*, No. 1:02-cv-11315-MLW.
4. Attached hereto as Exhibit B are true and correct copies of trading confirmations for eighty-seven of Mr. John H. Bowie's transactions in the stock of Organogenesis, Inc., received from A.G. Edwards & Sons, Inc. ("A.G. Edwards") in response to a third-party subpoena. The confirmations show transactions on the following dates that were not disclosed on Mr. Bowie's Certification: February 17, 2000, March 7, 2000, August 4, 2000, August 14, 2000, September 15, 2000, September 20, 2000, September 21, 2000, September 22, 2000, September 28, 2000, October 12, 2000, October 13, 2000, October 26, 2000, December 29, 2000, August 6, 2001,

November 9, 2001, March 12, 2002, March 19, 2002, April 5, 2002, May 3, 2002, May 29, 2002, May 30, 2002, May 31, 2002, June 3, 2002, June 4, 2002, June 5, 2002, June 7, 2002, June 11, 2002, June 12, 2002, June 13, 2002, June 18, 2002, June 27, 2002, June 28, 2002, July 1, 2002, July 2, 2002, July 3, 2002, July 5, 2002, July 8, 2002, July 9, 2002, July 11, 2002, July 12, 2002, August 15, 2002, April 23, 2003, April 24, 2003, June 18, 2003, June 24, 2003, June 25, 2003, and August 22, 2003.

5. Attached hereto as Exhibit C are true and correct copies of trading confirmations for sixty of Mr. Richard Madigan's transactions in the stock of Organogenesis, Inc., received from A.G. Edwards in response to a third-party subpoena. The confirmations show transactions on the following dates that were not disclosed on Mr. Madigan's Certification:<sup>1</sup> December 2, 1999, December 3, 1999, December 23, 1999, December 29, 1999, February 18, 2000, March 6, 2000, March 7, 2000, April 5, 2000, April 6, 2000, July 21, 2000, August 3, 2000, August 4, 2000, August 11, 2000, September 13, 2000, September 15, 2000, September 20, 2000, September 29, 2000, October 2, 2000, October 12, 2000, October 17, 2000, February 27, 2001, March 15, 2001, March 20, 2001, March 28, 2001, August 10, 2001, August 14, 2001, August 22, 2001, March 7, 2002, March 8, 2002, May 14, 2002, and May 15, 2002. Exhibit C also includes an account statement from March 2001 that lists two additional undisclosed transactions by Mr. Madigan on March 29, 2001 for which A.G. Edwards did not provide trading confirmations. Defendants have redacted the account numbers and addresses listed on the confirmations and account statement.

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<sup>1</sup> The confirmations also reveal that Mr. Madigan's Certification lists incorrect amounts for two of the transactions he did disclose – he purchased 1,150 shares on June 29, 2001, not 1,050 shares; and he purchased 1,080 shares on November 30, 2001, not 1,180 shares.

6. Attached hereto as Exhibit D are true and correct copies of letters from Jonathan A. Shapiro, Esq. of Wilmer Cutler Pickering Hale and Dorr LLP to Peter Sloane, Esq. of Milberg Weiss Bershad & Schulman LLP dated June 6, 2006, June 19, 2006, and June 29, 2006, and a true and correct copy of a letter from Jonathan A. Shapiro, Esq. to Ariana Tadler, Esq. of Milberg Weiss Bershad & Schulman LLP dated July 19, 2006.

7. Attached hereto as Exhibit E is a true and correct copy of the cover page and pages 59-60 of the transcript from the February 4, 2005 motion hearing in *In re Sonus Networks v. Roberts*, No. 1:02-cv-11315-MLW.

I declare under the pains and penalties of perjury that the foregoing is true and correct and that this Affidavit was executed on August 8, 2006.

  
Kimberly I. Friday